

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	2:19-CR-96
)	JUDGE GREER
AMY LAURA LEONARD)	

GOVERNMENT'S MOTION FOR PROTECTIVE ORDER
FOR DISCOVERY DISCLOSURE

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, pursuant to Federal Rule of Criminal Procedure 16(d), applies for a Protective Order to limit the further disclosure of discovery materials containing confidential information provided to defense counsel in this case. In support of this Motion, the United States would show that:

1. The documents to be provided as discovery and in preparation for trial in this case include electronic copies of documents, which contain confidential information protected by court rule, Rule 49.1 of the Federal Rules of Criminal Procedure, including dates of birth, home addresses, social security numbers, financial records, and documents containing other personal identifying information. Pursuant to the Court's order in *United States v. Gerald Horner*, Case No. 2:12-CR-105, Document 108, the United States will provide the discovery materials unredacted.

2. Counsel for defendant is not willing to sign a discovery disclosure agreement, thus the United States seeks an appropriate Protective Order from the court relating to the discovery containing confidential information protected by Rule 49.1 of the Federal Rules of

Criminal Procedure, including dates of birth, home addresses, social security numbers, financial records, and documents containing other personal identifying information.

3. The United States requests that a Protective Order be issued to guard against dissemination of the confidential information and other sensitive personal data contained in materials which will be provided to defense counsel as discovery, pursuant to Rule 16 or for use at trial. In particular, the United States requests an Order directing that before defense counsel disseminates or otherwise discloses to any person, including the attorney's client, discovery materials or materials provided in preparation for trial which contain confidential information which is referenced in Federal Rules of Criminal Procedure 49.1, defense counsel shall redact that information from any copies and shall not otherwise disclose that confidential or personal identifying information.

4. The United States recognizes that the attorney may provide un-redacted copies or otherwise disclose such information to investigators or experts retained by the attorney. The United States would request the Court's order instruct the attorney upon any dissemination of the materials and information containing confidential information to inform the recipient as to the existence of the Protective Order and the requirement to maintain the confidentiality of the information conveyed.

5. The United States further requests that, should the attorney believe it necessary to furnish un-redacted copies of discovery to anyone else or to otherwise disclose confidential information or personal identifying information as described in Rule 49.1 to any other person, the attorney be required to file a motion with the Court requesting permission to do so, only after giving the person to whom that information applies notice of the motion and the date the motion will be presented to the judge.

6. A copy of this court's Protective Order will be provided as part of the disclosure of the discovery material to the defendant's counsel.

WHEREFORE, the United States respectfully requests that the Court issue the Protective Order submitted herewith.

Respectfully submitted this the 26th day of February, 2020.

J. DOUGLAS OVERBEY
United States Attorney

By: s/ Thomas A. McCauley
THOMAS A. MCCAULEY
Assistant U.S. Attorney, TN Bar#035250
220 W Depot Street, Suite 423
Greeneville, TN 37743
423/639-6759
Thomas.McCauley@usdoj.gov